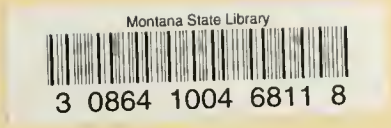


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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

REPORT OF COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION

ON

JUDICIARY

No. IV

Date Reported: March 9, 1972

John M. Schultz, Chairman

William S. Burkhardt, Vice Chairman

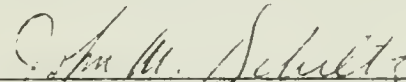
TO: Montana Constitutional Convention
SUBJECT: JUDICIARY

Ladies and Gentlemen:

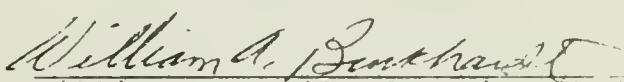
The Committee on Style, Drafting, Transition and Submission transmits revisions of the above Article for consideration of the Convention.

Immediately following this letter you will find the above Article as revised by the Committee. Following that is the Article indicating (by underlining) words we have added and (by crossing out) words we have deleted from the Article as approved. Finally, there is an explanation of the changes we have made.

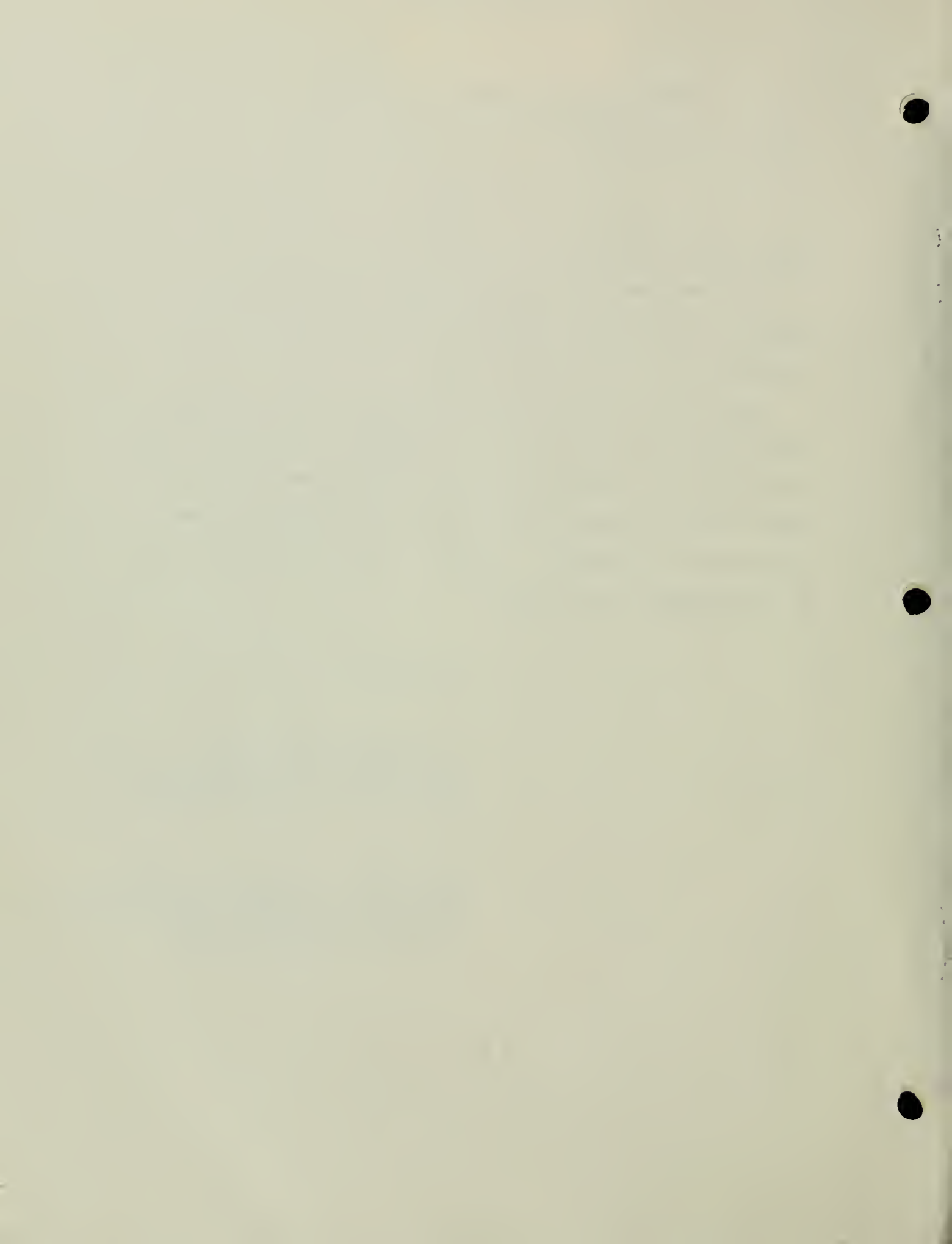
Sincerely,



John M. Schiltz, Chairman of the
Committee on Style, Drafting,
Transition and Submission



William A. Burkhardt, Vice Chairman
of the Committee on Style, Drafting,
Transition and Submission



1 BE IT PROPOSED BY THE JUDICIARY COMMITTEE:

2 That there be a new Article on the Judiciary to read
3 as follows:

4

5

ARTICLE _____

6

THE JUDICIARY

7

8 Section 1. JUDICIAL POWER. The judicial power of the
9 state is vested in one supreme court, district courts,
10 justice courts, and such other courts as may be provided
11 by law.

11

12 Section 2. SUPREME COURT JURISDICTION. (1) The
13 supreme court has appellate jurisdiction and may issue,
14 hear, and determine writs appropriate thereto. It has
15 original jurisdiction to issue, hear, and determine writs
16 of habeas corpus.

16

17 (2) It has general supervisory control over all other
18 courts.

18

19 (3) It may make rules governing appellate procedure,
20 practice and procedure for all other courts, admission to
21 the bar and the conduct of its members. Rules of procedure
22 shall be subject to disapproval by the legislature in either
23 of the two sessions following promulgation.

23

24 (4) Supreme court process shall extend to all parts of
25 the state.

25

26 Section 3. SUPREME COURT ORGANIZATION. (1) The supreme
27 court consists of one chief justice and four justices, but the
28 legislature may increase the number of justices from four to
29 six. A majority shall join in and pronounce decisions, which
30 must be in writing.

30

(2) A district judge shall be substituted for the chief

1 justice or a justice in the event of disqualification or
2 disability, and the opinion of the district judge sitting
3 with the supreme court shall have the same effect as an
4 opinion of a justice.

5 Section 4. DISTRICT COURT JURISDICTION. (1) The
6 district court has original jurisdiction in all criminal
7 cases amounting to felony and all civil matters and cases
8 at law and in equity. It may issue all writs appropriate
9 to its jurisdiction. It shall have the power of natural-
10 ization and such additional jurisdiction as may be dele-
11 gated by the laws of the United States or the state of
12 Montana. Its process shall extend to all parts of the
13 state.

14 (2) The district court shall hear appeals from inferior
15 courts as trials anew unless otherwise provided by law. The
16 legislature may provide for direct review by the district
17 court of decisions of administrative agencies.

18 (3) Other courts may have jurisdiction of criminal
19 cases not amounting to felony and such jurisdiction con-
20 current with that of the district court as may be provided
21 by law.

22 Section 5. JUSTICES OF THE PEACE. (1) There shall be
23 elected in each county for a term of four years at least one
24 justice of the peace with qualifications, training, and
25 monthly compensation provided by law. There shall be pro-
26 vided such facilities that they may perform their duties in
27 dignified surroundings.

28 (2) Justice courts shall have such original jurisdic-
29 tion as may be provided by law. They shall not have trial
30 jurisdiction in any criminal case designated a felony except

1 as examining courts.

2 (3) The legislature may provide for additional justices
3 of the peace in each county.

4 Section 6. JUDICIAL DISTRICTS. (1) The legislature
5 shall divide the state into judicial districts and provide
6 for the number of judges in each district. Each district shall
7 be formed of compact territory and be bounded by county lines.

8 (2) The legislature may change the number and boundaries
9 of judicial districts and the number of judges in each dis-
10 trict, but no change in boundaries or the number of districts
11 or judges therein shall work a removal of any judge from
12 office during the term for which he was elected or appointed.

13 (3) The chief justice may upon request of the district
14 judge, assign district judges and other judges for temporary
15 service from one district to another, and from one county to
16 another.

17 Section 7. TERMS AND PAY. (1) All justices and judges
18 shall be paid as provided by law, but salaries shall not be
19 diminished during terms of office.

20 (2) Terms of office shall be eight years for supreme
21 court justices, six years for district court judges, and as
22 provided by law for other judges.

23 Section 8. SELECTION. (1) The governor shall nominate
24 a replacement from nominees selected in the manner provided
25 by law for any vacancy in the office of supreme court justice
26 or district court judge. If the governor fails to nominate
27 within thirty days after receipt of nominees, the chief
28 justice or acting chief justice shall make the nomination.
29 Each nomination shall be confirmed by the senate, but a
30 nomination made while the senate is not in session shall be

1 effective as an appointment until the end of the next
2 session. If the nomination is not confirmed, the office
3 shall be vacant and another selection and nomination shall
4 be made.

5 (2) If, at the first election after senate confirma-
6 tion, and at the election before each succeeding term of
7 office, any candidate other than the incumbent justice or
8 district judge files for election to that office, the name
9 of the incumbent shall be placed on the ballot. If there
10 is no contest for the office, the name of the incumbent shall
11 nevertheless be placed on the general election ballot to
12 allow voters of the state or district to approve or reject
13 him. If an incumbent is rejected, another selection and
14 nomination shall be made.

15 (3) If an incumbent requests that his name not be
16 placed on the ballot, there shall be an election for the
17 office.

18 Section 9. QUALIFICATIONS (1) A citizen of the
19 United States who has resided in the state two years
20 immediately before taking office is eligible to the office
21 of supreme court justice or district court judge if admitted
22 to the practice of law in Montana for at least five years prior
23 to the date of appointment or election. Qualifications and
24 methods of selection of judges of other courts shall be
25 provided by law.

26 (2) No supreme court justice or district court judge
27 shall solicit or receive compensation in any form whatever on
28 account of his office, except salary and actual necessary
29 travel expense.

30 (3) Except as otherwise provided in this constitution,

1 no supreme court justice or district court judge shall
2 practice law during his term of office, engage in any other
3 employment for which salary or fee is paid, or hold office
4 in a political party.

5 (4) Supreme court justices shall reside within the
6 state. Every other judge shall reside during his term of
7 office in the district, county, township, precinct, city
8 or town in which he is elected or appointed.

9 Section 10. FORFEITURE OF JUDICIAL POSITION. Any
10 holder of a judicial position forfeits that position by
11 either filing for an elective public office other than a
12 judicial position or absenting himself from the state for
13 more than 60 consecutive days.

14 Section 11. REMOVAL AND DISCIPLINE. (1) The legis-
15 lature shall create a judicial standards commission con-
16 sisting of five persons and provide for the appointment
17 thereto of two district judges, one attorney, and two
18 citizens who are neither judges nor attorneys.

19 (2) The commission shall investigate complaints,
20 make rules implementing this section, and keep its proceed-
21 ings confidential. It may subpoena witnesses and documents.

22 (3) Upon recommendation of the commission, the supreme
23 court may:

24 (a) Retire any justice or judge for disability that
25 seriously interferes with the performance of his duties and
26 is or may become permanent; or

27 (b) Censure, suspend, or remove any justice or judge
28 for willful misconduct in office, willful and persistent
29 failure to perform his duties, or habitual intemperance.

30 Section 12. EXEMPTION LAWS. The legislature shall

1 enact liberal homestead and exemption laws.

2 Section 13. PERPETUITIES. No perpetuities shall be
3 allowed except for charitable purposes.

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1 BE IT PROPOSED BY THE JUDICIARY COMMITTEE:

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3 as follows:

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6 THE JUDICIARY

7 Section 1. JUDICIAL POWER. The judicial power of the
8 state is vested in a one supreme court, and district courts,
9 justice courts, and such other courts as may be provided
10 by law.

11 Section 2. SUPREME COURT POWERS JURISDICTION. (1) The
12 supreme court has appellate jurisdiction, ~~including-juris-~~
13 ~~diction~~ and may ~~to~~ issue, hear, and determine writs appro-
14 priate thereto. ~~to-its-appellate-jurisdiction,-and~~ It has
15 original jurisdiction to issue, hear, and determine writs of
16 habeas corpus.

17 (2) It has general supervisory control over all other
18 courts.

19 (3) It may make rules governing appellate procedure,
20 ~~rules-of~~ practice and procedure for all other courts, and
21 ~~rules-of~~ admission to the bar and the conduct of its members.
22 Rules of procedure shall be subject to ~~approval-or~~ disapproval
23 by the legislature in either of the two sessions following
24 ~~their~~ promulgation.

25 (4) Supreme court process shall extend to all parts of
26 the state.

27 Section 3. SUPREME COURT ORGANIZATION. (1) The supreme
28 court ~~shall~~ consists of one chief justice and four justices,
29 but the legislature may increase the number of justices from
30 four to six. a majority ~~of-whom-will-be-necessary-to~~ shall

1 join in and pronounce the decisions, which must be in writing
2 ~~and-joined-in-by the-majority. The-legislative-assembly-may~~
3 ~~increase-the-number-of-justices-from-five-to-seven.~~

4 (2) A district judge shall be substituted for the
5 chief justice or a justices in the event of dis-
6 qualification or disability, ~~in-any-cause~~, and the opinion
7 of the district judge sitting with the supreme court shall
8 have the same effect as an opinion of a justice ~~of-the~~
9 ~~supreme-court.~~

10 Section 4. DISTRICT COURT JURISDICTION. (1) The
11 district court has original jurisdiction in all criminal
12 cases amounting to felony and all civil matters and cases
13 at law and in equity. It may issue all writs appropriate
14 to its jurisdiction. It shall have the power of natural-
15 ization and such additional jurisdiction as may be dele-
16 gated by the laws of the United States or the state of
17 Montana. Its process shall extend to all parts of the
18 state.

19 (2) The district court shall hear appeals from inferior
20 courts as trials anew, unless otherwise provided by law. ~~{3}~~
21 The legislature may provide for direct review by the district
22 court of decisions of administrative agencies, .

23 (3) Other courts may have ~~for~~ jurisdiction of criminal
24 cases not amounting to felony ~~in-ether-courts~~, and ~~for-con-~~
25 ~~current~~ such jurisdiction concurrent with ~~ether courts that~~
26 of the district court as may be provided by law.

27 ~~Appeals-from-inferior-courts-must-be-tried-anew-in~~
28 ~~the-district-court.--The-supreme-court-and-district-court~~
29 ~~process-shall-extend-to-all-parts-of-the-state.~~

30 Section 10 5. JUSTICES OF THE PEACE--ELECTION--QUALI-

1 FICATIONS--COMPENSATION--JURISDICTION. (1) There shall be
2 elected in each county for a term of four years at least
3 one justice of the peace with qualifications, training, and
4 monthly compensation as provided by law, ~~who shall hold~~
5 ~~office for the term of four years~~. There shall be provided
6 such facilities for such that they justices so that may per-
7 form their duties ~~may be performed~~ in dignified surroundings.

8 (2) Justice courts shall have such original jurisdiction
9 ~~within their respective counties~~ as may be ~~prescribed~~ provided
10 by law. They shall not have trial jurisdiction in any
11 criminal case designated a felony, except as examining courts.

12 (3) The legislature may provide for additional justices
13 of the peace in each county ~~or other types of courts below~~
14 ~~the district court level as is deemed necessary~~.

15 Section 5 6. JUDICIAL DISTRICTS. (1) The ~~legislative~~
16 ~~assembly~~ legislature shall divide the state into judicial
17 districts and provide for the number of judges in each
18 district. Each district shall be formed of compact territory
19 and be bounded by county lines.

20 (2) ~~The legislative assembly shall have the power to~~
21 The legislature may change the number and boundaries of
22 judicial districts ~~and their boundaries~~ and the number of
23 judges in each district, ~~however, each district shall be~~
24 ~~formed of compact territory and be bounded by county lines,~~
25 but no changes in boundaries or the number of districts or
26 judges therein, shall work a removal of any judge from
27 office during the term for which he ~~has been~~ was elected
28 or appointed.

29 (3) The chief justice may, upon request of the district judge,
30 assign the district judges and other judges for temporary service

1 from one district to another, and from one county to another.

2 Section 6 7. TERMS AND PAY ~~OF JUDGES~~. (1) All justices
3 ~~of the supreme court, district court judges~~ and other
4 judges shall be paid as provided by law, but ~~their salary~~
5 salaries shall not be diminished during ~~their terms~~ of
6 office.

7 (2) Terms of office ~~for supreme court justices~~ shall
8 be eight years; for supreme court justices, six years

9 ~~Terms of office for district court judges, shall be six~~
10 years, and as provided by law

11 ~~Terms of office for other judges shall be provided by~~
12 law.

13 Section 7 8. SELECTION ~~OF JUDGES~~. (1) The governor
14 shall nominate a replacement from nominees selected in the
15 manner provided by law ~~In all vacancies for any vacancy~~
16 in the offices of supreme court justices and or district court
17 judges, ~~the governor of the state shall nominate a supreme~~
18 ~~court or district court judge from nominees selected in the~~
19 ~~manner provided by law.~~ If the governor fails to nominate
20 within thirty days after receipt of ~~the names of the~~ nominees,
21 the chief justice or acting chief justice shall make the
22 nomination. Each nomination shall be confirmed by the senate,
23 but a nomination made while the senate is not assembled in
24 session shall be effective as an appointment until the end of
25 the next session ~~of the senate~~. If the nomination is not confirmed,
26 ~~by the senate~~ the office shall be vacant and another selection
27 and nomination shall be made.

28 (2) ~~Before the close of filings for nominations in the~~
29 ~~first primary election after senate confirmation, and at~~
30 ~~the primary election prior to each succeeding term of office,~~

1 the name of the incumbent judge shall be placed on a con-
2 tested ballot if other candidates have filed for election
3 to that office. If, at the first election after senate
4 confirmation, and at the election before each succeeding
5 term of office, any candidate other than the incumbent
6 justice or district judge files for election to that office,
7 the name of the incumbent shall be placed on the ballot. If
8 there is no ~~primary election~~ contest for the office, the name
9 of the incumbent judge shall nevertheless be placed on a
10 ~~ballot in~~ the general election ballot to allowing voters of
11 the state or district ~~the choice of his approval or rejection~~
12 to approve or reject him. ~~In the event of rejection of~~ If
13 an judge incumbent is rejected, another selection and nomina-
14 tion shall be made ~~in like manner.~~

15 (3) If an incumbent ~~judge does not run~~ requests that his
16 name not be placed on the ballot, there shall be an contested
17 election for the office.

18 Section 8 9. QUALIFICATIONS AND LIMITATIONS OF JUDGES.

19 (1) ~~No person shall be~~ A citizen of the United States
20 who has resided in the state two years immediately
21 before taking office is eligible to the offices of supreme
22 court justice of the supreme court or district court judge
23 of the district court unless he or she shall have been if
24 admitted to the practice of law in Montana for at least five
25 years prior to the date of appointment or election, is a
26 citizen of the United States, and has resided in the state
27 of Montana two years immediately before taking office.
28 Qualifications and methods of selection of judges of other
29 courts shall be provided by law.

30 (2) No supreme court justice or district court judge

1 shall solicit or receive any compensation in any form what-
2 ever on account of his office, ~~in-any-form-whatever,~~ except
3 salary and actual necessary travel expense ~~as-provided-by~~
4 law.

5 (3) Except as otherwise provided in this constitution,
6 no supreme court justice or district court judge shall
7 practice law during his term of office, engage in any other
8 employment for which salary or fee is paid, or hold office
9 in a political party.

10 ~~Filing-for-another-elective-public-office-results-in-fer-~~
11 ~~feiture-of-judicial-position-but-a-judge-may-file-for-another~~
12 ~~judicial-position-without- forfeiture-of-the-judicial-position-he-holds-~~

13 (4) All-judges,-except Supreme court justices of
14 the-supreme-court,-who shall reside within the state.
15 Every other judge shall respectively reside during their
16 his term of office in the district, county, township,
17 precinct, city or town in which ~~they-may-be~~ he is elected
18 or appointed.

19 ~~Any-judicial-officer-who-may-absent-himself-from-the~~
20 ~~state-for-more-than-60-consecutive-days-shall-be-deemed-to~~
21 ~~have- forfeited-his-office-~~

22 Section 10. FORFEITURE OF JUDICIAL POSITION. Any
23 holder of a judicial position forfeits that position by
24 either filing for an elective public office other than a
25 judicial position or absenting himself from the state for
26 more than 60 consecutive days.

27 Section 9 11. REMOVAL AND DISCIPLINE OF JUDGES. (1)
28 The legislature shall create a judicial standards commission
29 consisting of five persons and provide for the appointment
30 thereto of two district judges, one attorney, and two

1 citizens who ~~is~~ are neither a judges nor an attorneys.

2 (2) ~~The commission shall investigate complaints,~~
3 ~~subpoena witnesses and documents, and makes rules imple-~~
4 ~~menting this section and providing for confidentiality of~~
5 ~~proceedings.~~

6 The commission shall investigate complaints, make rules
7 implementing this section, and keep its proceedings confiden-
8 tial. It may subpoena witnesses and documents.

9 (3) Upon recommendation of the commission, the supreme
10 court may:

11 (a) Retire any justice or judge for disability that
12 seriously interferes with the performance of his duties and
13 is or may become permanent; or

14 (b) Censure, suspend, or remove any justice or judge
15 for willful misconduct in office, willful and persistent
16 failure to perform his duties, or habitual intemperance.

17 Section ~~11~~ 12. EXEMPTION LAWS. The ~~legislative assembly~~
18 legislature shall enact liberal homestead and exemption laws.

19 Section ~~12~~ 13. PERPETUITIES. No perpetuities shall be
20 allowed, except for charitable purposes.

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1 REPORT NO. V - JUDICIARY
2 COMMENTS ON STYLE, FORM, AND GRAMMAR
3

4 Section 1. The cardinal number "one" was substituted
5 for the indefinite article "a" to provide harmony with
6 the similar provision in the United States Constitution.
7 The addition of what is now section 5 required addition of
8 "justice courts."

9 Section 2. Subsections were added and language deleted
10 to aid clarity without altering substance. Subsection (3):
11 Deleting "approval or" expresses the intent of floor debate.
12 Subsection (4) was moved from section 4.

13 Section 3. (1) Numbers in the first sentence were
14 changed to express intent. Reorganization and deletion do
15 not alter substance.

16 Section 4. The first clause of subsection (3) was
17 moved to become the second sentence of subsection (2). The
18 first sentence of the last paragraph, which was not part of
19 the Committee of the Whole amendment, conflicts with sub-
20 section (2), so it was deleted. The reference to process
21 in the second sentence was moved.

22 Section 5. Was added in Committee of the Whole as
23 section 10. The language deleted at the end repeats part
24 of section 1. The other changes in language do not alter
25 substance.

26 Section 6. The addition of the words "of the district
27 judge" to subsection (3) clarifies the source of the request.
28 Changes in language and order do not alter substance.

29 Section 7. Deletion and reorganizing achieve brevity
30 and clarity without altering substance. The phrase "other

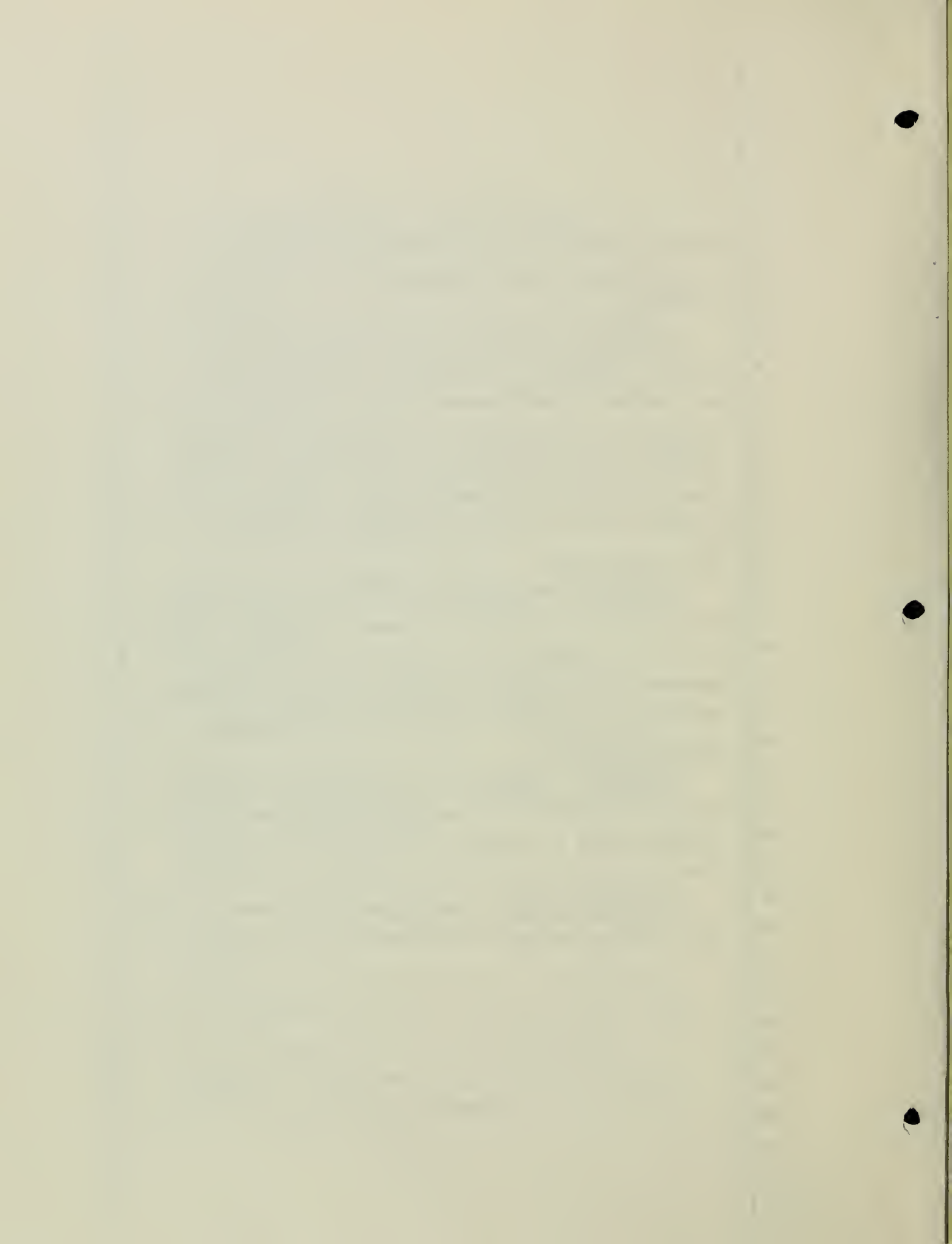
1 judges" in subsection (2) is understood by the Committee
2 to include, among others, "magistrates" and "justices of
3 the peace."

4 Section 8. Subsection (2) was redrafted to clarify
5 meaning. In addition, references to "primary election"
6 were deleted to avoid perpetuating the primary mode of
7 selection in the constitution. The underlined addition to
8 subsection (3) was substituted for "does not run" to recon-
9 cile its provisions with subsection (2). Removing the ad-
10 jective "contested" avoids a requirement that more than
11 one candidate file.

12 Section 9. The phrase "as provided by law" was deleted
13 from subsection (2) because it contains a prohibition which
14 is not to be affected by any law but the constitution. Other
15 extensive language and order changes do not alter substance.
16 Two sentences concerning forfeiture were combined in the
17 next new section 10.

18 Section 11. Subsection (2) was redrafted to differen-
19 tiate the requirements laid upon the commission and its dis-
20 cretionary power to subpoena. Other changes in the section
21 clarify.

22 Sections 12 and 13. These sections will be moved to
23 other Articles when the entire constitution is proposed.
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ORDER OF BUSINESS NO. 5 - FINAL CONSIDERATION
STYLE AND DRAFTING - JUDICIARY - NO. V

ARTICLE _____
THE JUDICIARY

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Section 2. SUPREME COURT JURISDICTION. (1) The supreme court has appellate jurisdiction and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law.

(2) It has general supervisory control over all other courts.

(3) It may make rules governing appellate procedure, practice and procedure for all other courts, admission to the bar and the conduct of its members. Rules of procedure shall be subject to disapproval by the legislature in either of the two sessions following promulgation.

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1 justice or a justice in the event of disqualification or
2 disability, and the opinion of the district judge sitting
3 with the supreme court shall have the same effect as an
4 opinion of a justice.

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6 district court has original jurisdiction in all criminal
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8 at law and in equity. It may issue all writs appropriate
9 to its jurisdiction. It shall have the power of natural-
10 ization and such additional jurisdiction as may be dele-
11 gated by the laws of the United States or the state of
12 Montana. Its process shall extend to all parts of the
13 state.

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15 courts as trials anew unless otherwise provided by law. The
16 legislature may provide for direct review by the district
17 court of decisions of administrative agencies.

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19 cases not amounting to felony and such jurisdiction con-
20 current with that of the district court as may be provided
21 by law.

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23 elected in each county at least one justice of the peace
24 with qualifications, training, and monthly compensation
25 provided by law. There shall be provided such facilities
26 that they may perform their duties in dignified surroundings.

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29 jurisdiction in any criminal case designated a felony except
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2 of the peace in each county.

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4 shall divide the state into judicial districts and provide
5 for the number of judges in each district. Each district shall
6 be formed of compact territory and be bounded by county lines.

7 (2) The legislature may change the number and boundaries
8 of judicial districts and the number of judges in each dis-
9 trict, but no change in boundaries or the number of districts
10 or judges therein shall work a removal of any judge from
11 office during the term for which he was elected or appointed.

12 (3) The chief justice may upon request of the district
13 judge, assign district judges and other judges for temporary
14 service from one district to another, and from one county to
15 another.

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17 shall be paid as provided by law, but salaries shall not be
18 diminished during terms of office.

19 (2) Terms of office shall be eight years for supreme
20 court justices, six years for district court judges, four
21 years for justices of the peace, and as provided by law
22 for other judges.

23 Section 8. SELECTION. (1) The governor shall nominate
24 a replacement from nominees selected in the manner provided
25 by law for any vacancy in the office of supreme court justice
26 or district court judge. If the governor fails to nominate
27 within thirty days after receipt of nominees, the chief
28 justice or acting chief justice shall make the nomination.
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30 nomination made while the senate is not in session shall be

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2 session. If the nomination is not confirmed, the office
3 shall be vacant and another selection and nomination shall
4 be made.

5 (2) If, at the first election after senate con-
6 firmation, and at the election before each succeeding
7 term of office, any candidate other than the incumbent
8 justice or district judge files for election to that
9 office, the name of the incumbent shall be placed on
10 the ballot. If there is no election contest for the
11 office, the name of the incumbent shall nevertheless
12 be placed on the general election ballot to allow
13 voters of the state or district to approve or reject
14 him. If an incumbent is rejected, another selection
15 and nomination shall be made.

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19 United States who has resided in the state two years
20 immediately before taking office is eligible to the office
21 of supreme court justice or district court judge if admitted
22 to the practice of law in Montana for at least five years prior
23 to the date of appointment or election. Qualifications and
24 methods of selection of judges of other courts shall be
25 provided by law.

26 (2) No supreme court justice or district court judge
27 shall solicit or receive compensation in any form whatever on
28 account of his office, except salary and actual necessary
29 travel expense.

30 (3) Except as otherwise provided in this constitution,

1 no supreme court justice or district court judge shall
2 practice law during his term of office, engage in any other
3 employment for which salary or fee is paid, or hold office
4 in a political party.

5 (4) Supreme court justices shall reside within the
6 state. Every other judge shall reside during his term of
7 office in the district, county, township, precinct, city
8 or town in which he is elected or appointed.

9 Section 10. FORFEITURE OF JUDICIAL POSITION. Any
10 holder of a judicial position forfeits that position by
11 either filing for an elective public office other than a
12 judicial position or absenting himself from the state for
13 more than 60 consecutive days.

14 Section 11. REMOVAL AND DISCIPLINE. (1) The legis-
15 lature shall create a judicial standards commission con-
16 sisting of five persons and provide for the appointment
17 thereto of two district judges, one attorney, and two
18 citizens who are neither judges nor attorneys.

19 (2) The commission shall investigate complaints,
20 make rules implementing this section, and keep its proceed-
21 ings confidential. It may subpoena witnesses and documents.

22 (3) Upon recommendation of the commission, the supreme
23 court may:

24 (a) Retire any justice or judge for disability that
25 seriously interferes with the performance of his duties and
26 is or may become permanent; or

27 (b) Censure, suspend, or remove any justice or judge
28 for willful misconduct in office, willful and persistent
29 failure to perform his duties, or habitual intemperance.

30 Section 12. EXEMPTION LAWS. The legislature shall

1 enact liberal homestead and exemption laws.

2 Section 13. PERPETUITIES. No perpetuities shall be
3 allowed except for charitable purposes.

4 Section 14. CAMPAIGN EXPENSES. The ~~legislative~~
5 legislature assembly shall appropriate funds for the
6 contested general election campaign expenses of candidates
7 for the offices of chief justice and justices of the
8 supreme court and shall enact laws regulating the amount,
9 expenditure, and disposition thereof. No candidate for
10 chief justice or justice of the supreme court, ~~nor~~ or any
11 person or persons acting on his ~~or her~~ behalf, shall
12 expend money in a campaign for the office in excess of
13 of the amount appropriated and authorized by the
14 ~~legislative-assembly~~ legislature.